EXHIBIT C

Case 1:15-cv-00975-NRB Document 11-3 Filed 04/16/15 Page 2 of 11

Case 2:14-cv-01443-RAJ Document 39 Filed 03/16/15 Page 1 of 18

1 THE HONORABLE RICHARD A. JONES 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WASHINGTON 9 AT SEATTLE CEDAR GROVE COMPOSTING. 10 INCORPORATED, Case No.: 2:14-cv-01443-RAJ 11 Plaintiff, DECLARATION OF MICHELLE DULUC IN SUPPORT OF DEFENDANT'S 12 v. OPPOSITION TO PLAINTIFF'S MOTION FOR DETERMINATION OF PROPER 13 IRONSHORE SPECIALTY INSURANCE FORUM UNDER FIRST-TO-FILE RULE COMPANY, 14 Note on Motion Calendar: Defendant. 15 March 20, 2015 16 I, Michelle Duluc, being first duly sworn upon oath, depose and say: 17 I am an Assistant Vice President for Ironshore Environmental Claims, 1. 18 authorized claims administrator for Ironshore Specialty Insurance Company ("Ironshore"), 19 and make this declaration based upon my own personal knowledge and in support of 20 Defendant's Response to Motion for Determination of Proper Forum Under First-to-File Rule. 21 I could competently testify to the matters stated herein. 22 Attached hereto as Exhibit A is a true and correct copy of an email dated 2. 23 February 26, 2015, and its attached letter from Michael A. Patterson of the law firm Patterson 24 25 DECLARATION OF MICHELLE DULUC IN SUPPORT OF LAW OFFICES OF COZEN O'CONNOR DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR A Professional Corporation 26 DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE Suite 1900 999 Third Avenue RULE- I Scattle, Washington 98104 CASE NO.: 2:14-CV-01443-RAJ (206) 340-1000

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Buchanan Fobes & Leitch, Inc., P.S., addressed to me and dated February 25, 2015. Mr. Patterson's firm is the law firm working for Cedar Grove Composting in the defense of four pending lawsuits against Cedar Grove, two pending in Superior Court of the State of Washington in and for King County and two pending Superior Court of the State of Washington in and for Snohomish County.

- 3. The payments spreadsheet attached to the February 2015 letter from Cedar Grove's defense counsel, Exhibit A, contains totals (on the final page of Exhibit A) stating that Cedar Grove's defense counsel had received payments from Ironshore, through February 2015, totaling over \$4.5 Million (more specifically, \$4,524,738.92).
- 4. The payments spreadsheet attached to the February 2015 letter from Cedar Grove's defense counsel, Exhibit A, contains a "Balance Due" column on the far right, stating on the final page, row 11, that the "Balance Due" to Cedar Grove's defense counsel for all amounts invoiced for Cedar Grove's defense was \$103.00 as of May 27, 2014.
- 5. The payments spreadsheet attached to the February 2015 letter from Cedar Grove's defense counsel, Exhibit A, states that as of August 20, 2014, aside from the above-referenced \$103.00 shortfall as of May 2014, the oldest unpaid amounts were 70 days old for two invoices issued by Cedar Grove's defense counsel dated June 11, 2014 (final page, row 12 and 13).
- 6. Attached hereto as **Exhibit B** is a true and correct copy of a spreadsheet, current through March 13, 2015, stating the payments issued by Ironshore for Cedar Grove's legal and claims expenses in the four above-referenced lawsuits. The four claim numbers used by Ironshore for the referenced payments as tracked by Ironshore's accounting department are ENV00023213, ENV00023215, ENV00028216, and ENV00028217.

DECLARATION OF MICHELLE DULUC IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE RULE- 2 CASE NO.: 2:14-CV-01443-RAJ LAW OFFICES OF COZEN O'CONNOR A Professional Corporation Suite 1900 999 Third Avenue Scattle, Washington 98104 (206) 340-1000

Case 1:15-cv-00975-NRB Document 11-3 Filed 04/16/15 Page 4 of 11

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1	I declare under penalty of perjury under the laws of the State of New York and the									
2	United States that the foregoing statements are true and correct to the best of my knowledge									
3	and belief.									
4										
5	DATED: March 16, 2015.									
6	Michelle Duluc									
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25	DECLARATION OF MICHELLE DULUC IN SUPPORT OF LAW OFFICES OF COZEN O'CONNOR									
26	DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE RULE- 3 CASE NO.: 2:14-CV-01443-RAJ CEZEN O'CONNOR A Professional Corporation Suite 1900 999 Third Avenue Scattle, Washington 98104 (206) 340-1000									

Case 1:15-cv-00975-NRB Document 11-3 Filed 04/16/15 Page 5 of 11

Case 2:14-cv-01443-RAJ Document 39 Filed 03/16/15 Page 4 of 18

******	CERTIFICATE OF SERVICE									
2	I hereby certify that on the date below I electronically filed the foregoing document									
3	with the Clerk of the Court using the CM/ECF system which will send notification of such									
4	filing to the following:									
5	Counsel for Plaintiffs: Michael A. Moore, WSBA No. 27047									
6	Corr Cronin Michelson Baumgardner Fogg & Moore EEF 1001 Fourth Avenue, Suite 3900									
7	Seattle, WA 98154-1051 mmoore@correronin.com									
8	DATED: March 16, 2015.									
9	DATED: Match 10, 2015.									
10										
11	/s/Jan Young Jan Young, Legal Assistant									
12	Jan Toung, Logar Hostowark									
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25	EAWOFFICES OF									
26	DECLARATION OF MICHELLE DULUC IN SUPPORT OF DEFENDANT'S OPPOSITION TO PLAINTIFF'S MOTION FOR DETERMINATION OF PROPER FORUM UNDER FIRST-TO-FILE RULE- 4 CASE NO.: 2:14-CV-01443-RAJ									

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EXHIBIT A

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Young, Jan

Subject: FW: Avila, et al / Davis, et al v. Cedar Grove Composting, Inc. - Claim Nos.: ENV00028216

/ ENV00023215

Attachments: Letter to Duluc regarding Invoices.pdf

----Original Message----

From: Stephanie M. Murphy [mailto:smm@pattersonbuchanan.com]

Sent: Thursday, February 26, 2015 11:44 AM

To: Michelle Duluc

Cc: Michael A. Patterson; Sarah E. Heineman

Subject: Avila, et al / Davis, et al v. Cedar Grove Composting, Inc. - Claim Nos.: ENV00028216 / ENV00023215

Dear Ms. Duluc,

Attached please find my letter with enclosures to you regarding the issue referenced above.

Kind regards,

Stephanie M. Murphy on behalf of Michael A. Patterson

Stephanie M. Murphy | Executive Assistant to Michael A. Patterson and Board of Directors Patterson Buchanan Fobes & Leitch, Inc., P.S.

2112 Third Ave., Suite 500 | Seattle, WA 98121 Direct 206.462.6745 | Email smm@pattersonbuchanan.com

Portland Office:

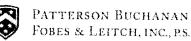
1001 SW Fifth, Suite 1100 | Portland, OR 97204 Main 503.200.5400 | Toll Free: 800.722.3815

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Duncan K. Fobes*
Charles P. E. Leitch*
Donald F. Austin'

Sarah E. Heineman*†
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- Also admitted in California
- Also admitted in D C.
- · Also admitted in Idaho
- Also admitted in Florida
 Also admitted in Maryland
- * Also admitted in Michigan
- ** Also admitted in Montana
- f. Also admitted in New York
- * Also admitted in Oregon

OF COUNSEL Timothy R. Busch* Charles W. Lind

February 25, 2015

Via Email Only

Ms. Michelle Duluc Assistant-Vice President - Claims IRONSHORE Environmental Ironshore Environmental One State Street Plaza, 7th Floor New York, NY 10004

Re: Avila, et al v. Cedar Grove Composting, Inc.

Davis, et al v. Cedar Grove Composting, Inc. Claim Nos.: ENV00028216 & ENV00023215

Dear Ms. Duluc:

This letter provides a response to your email of Wednesday, February 25, 2015. Thank you for confirming that payments on invoices 17327, 18718, 20043, and 20044 will be forthcoming soon. We will look for payment to arrive no later than March 6, 2015. Please let us know if it will not arrive by that date. In addition, Ms. Heineman emailed you a copy of invoice 18719 on February 25, per your request.

According to our records, in addition to the \$181,521.14 reflected in invoice 18719, the following amount remains outstanding: \$26,257.75. A basic review of invoices and payments will demonstrate that this amount remains outstanding. Enclosed is a spreadsheet that shows the invoices to date, along with all payments received to date, and a running balance owed to Patterson Buchanan.

If you have any questions remaining after reviewing this information, it is essential that we conduct a telephone conference promptly to resolve those issues. This call should take place,

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Ms. Michelle Dulue February 25, 2015 Page 2

if needed, on Friday, February 27. If that date is not convenient, the call should occur no later than Monday, March 2. Please let us know immediately if such a call is required.

In the event that this resolves your questions, please advise us, no later than Friday, February 27, when payment can be expected on the remaining outstanding balance of \$207,778.89. As we have explained previously, our fee agreement with Ironshore is explicitly based on Ironshore's agreement to payment of our invoices on a 30-day scheduled. It is essential that we finally resolve these issues regarding older, outstanding invoices.

Very truly yours,

Enclosure

Invoices and Payments Spreadsheet

SEH/seh

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Case 2:14-cv-01443-RAJ Document 39 Filed 03/16/15 Page 9 of 18

Matter	1 '	1	Stateme	Billed	Check No	Paid	Balance Due
ID	or	Closing	nt No				PBFL
	Received)	Date		····			
Avila	3/8/2013	2/28/2013	14829	51,654.44			51,654.44
Avila	4/12/2013	3/31/2013	15102	79,011.71			130,666.15
Avila	5/15/2013	4/30/2013	15337	89,104.98	. ļ		219,771.13
Avila	6/19/2013	5/31/2013	15591	107,719.74	·		327,490.87
Avila	7/17/2013	6/30/2013	15830	72,772.13	-		400,263.00
Davis	7/17/2013	6/30/2013	15831	60,642.47	<u> </u>		460,905.47
Avila	8/28/2013	7/31/2013	16069	99,267.25	3		560,172.72
Davis	8/28/2013	7/31/2013	16068	92,479.60			652,652.32
Avila	9/10/2013	8/31/2013	16231	108,079.67			760,731.99
Davis	9/10/2013	8/31/2013	16232	100,972.52			861,704.51
Avila	9/16/2013				ck # 106907	-100,000.00	
					(Cedar Grove)	**************************************	761,704.51
Avila	9/24/2013				ck# 106980	-150,000.00	***************************************
					(Cedar Grove)		611,704.51
Avila	10/16/2013	9/30/2013	16499	104,544.36			716,248.87
Davis	10/16/2013	9/30/2013	16500	118,372.72			834,621.59
Avila	11/6/2013	10/31/2013	16507	81,667.36			916,288.95
Davis	11/6/2013	10/31/2013	16508	77,471.20			993,760.15
Avila	12/6/2013	11/30/2013	16841	68,447.92	***************************************		1,062,208.07
Davis	12/6/2013	11/30/2013	16842	86,085.15			1,148,293.22
Davis			İ		ck # 107571		-,- :-,
	12/17/2013			***************************************	(Cedar Grove)	-250,000.00	898,293.22
Avila	1/8/2014	12/31/2013	17079	119,300.89		-250,000.00	1,017,594.11
Davis	1/8/2014	12/31/2013	17078	120,780.00			1,138,374.11
Avila	2/3/2014				ck # 92042	-72,772.13	1,065,601.98
Avila	2/3/2014				ck # 92033	-99,267.25	966,334.73
Avila	2/3/2014		<u> </u>		ck # 92039	-108,079.67	858,255.06
Avila	2/3/2014				ck # 92041	-81,667.36	776,587.70
Avila	2/3/2014				ck # 92035	-68,447.92	708,139.78
Davis	2/3/2014				ck # 92032	-86,085.15	622,054.63
Avila	2/4/2014				ck # 92043	-51,654.44	570,400.19
Avila	2/4/2014	İ			ck # 92038	-79,011.71	491,388.48
Avila	2/4/2014			***************************************	ck # 92040	-89,104.98	402,283.50
Avila	2/4/2014				ck # 92044	-107,719.74	294,563.76
Davis	2/4/2014				ck # 92036	-60,642.47	233,921.29
Davis	2/4/2014				ck # 92037	-92,479.60	141,441.69
Davis	2/4/2014			***************************************	ck # 92034	-100,972.52	40,469.17
Avila	2/12/2014	1/31/2014	17326	165,649.65		-,	206,118.82
Davis	2/12/2014	1/31/2014	17327	165,293.00			371,411.82
Davis	2/19/2014		7		ck # 92083	-77,471.20	293,940.62
Avila	3/5/2014				ck # 92575	-139,494.90	154,445.72
Davis	3/5/2014				ck # 92574	-154,445.72	0.00
Avila	3/7/2014	2/28/2014	17538	156,485.96		-,	156,485.96
Davis	3/7/2014	2/28/2014	17539	159,362.60			315,848.56

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Avila	4/11/2014				ck # 93282	-96,224.71	219,623.85
Davis	4/11/2014				ck # 93281	-159,362.60	
Avila	4/15/2014	3/31/2014	17819	184,558.3	3		244,819.58
Davis	4/15/2014	3/31/2014	17820	196,675.40	D		441,494.98
Avila	4/21/2014				ck # 93491	-60,158.25	·
Avila	4/22/2014				ck # 93531	-184,558.33	·
Davis	4/22/2014	<u> </u>			ck # 93532	-196,675.40	103.00
Avila	5/9/2014	4/30/2014	18020		3		154,258.48
Davis	5/9/2014	4/30/2014	18021	191,989.57	'		346,248.05
Avila	5/27/2014				ck # 94100	-154,155.48	192,092.57
Davis	5/27/2014	<u> </u>			ck # 94100	-191,989.57	103.00
Avila	6/11/2014	5/31/2014	18210				170,315.45
Davis	6/11/2014	5/31/2014	18211	 			283,164.04
Avila	7/10/2014	6/30/2014	18491		4		406,105.91
Davis	7/10/2014	6/30/2014	18493				565,085.71
Avila	8/11/2014	7/31/2014	18718	••••••••••••••••••••••••••••••••••••••	- 		702,926.60
Davis	8/11/2014	7/31/2014	18719	<u> </u>			884,447.74
Avila	9/8/2014	8/31/2014	18952		-4		1,065,983.49
Davis Avila	9/8/2014	8/31/2014	18953	120,429.80	 		1,186,413.29
Davis	9/11/2014				ck # 96001	-119,300.89	1,067,112.40
Avila	9/11/2014				ck#96001	-120,780.00	946,332.40
Davis	9/12/2014	<u> </u>			ck # 95901	-104,544.36	841,788.04
Davis	9/12/2014				ck # 95870	-64,982.71	776,805.33
Avila	10/3/2014	9/30/2014	10117	200 020 02	ck # 95901	-118,372.72	658,432.61
Davis	10/3/2014	9/30/2014	19117 19118	<u> </u>	<u> </u>		859,352.63
Avila	10/3/2014	3/30/2014	19110	131,154.48		300 100	990,507.11
Davis	10/27/2014				ck # 96875	-382,455.77	608,051.34
Avila	11/6/2014	10/31/2014	19339	220,328.65	ck # 96875	-251,584.28	356,467.06
Davis	11/6/2014	10/31/2014	19340	105,440.20			576,795.71
Avila	12/4/2014	11/30/2014	19621	177,302.87			682,235.91
Davis	12/4/2014	11/30/2014	19622	93,818.00			859,538.78 953,356.78
Avila	12/29/2014	Construction			ck # 97951	-220,328.65	733,028.13
Davis	12/29/2014				ck # 97951	-105,440.20	627,587.93
Avila	1/7/2015	12/31/2015	19874	147,946.17		1 33771322	775,534.10
Davis	1/7/2015	<u> </u>	19875	105,441.20			880,975.30
Davis	1/30/2015				ck # 98704	-93,818.00	787,157.30
Avila	2/2/2015				ck # 98732	-177,302.87	609,854.43
Avila	2/5/2015	1/31/2015	20043	156,300.77			766,155.20
Davis	2/5/2015	1/31/2015	20044	123,178.56			889,333.76
Avila	2/11/2015				ck # 98958	-147,946.17	741,387.59
Davis	2/11/2015				ck # 98958	-105,441.20	635,946.39
Total Bil				5,660,685.31			
	Total Paid by Cedar Grove						
Total Paid by Ironshore					-500,000.00 -4,524,738.92		
Total Paid						-5,024,738.92	
Balance Due						635,946.39	